

REMARKS

I. Summary of the Office Action and Status of the Claims

In the office action mailed December 21, 2010, claims 14-18 and 22 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Further, claims 3-22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,219,703 (Nguyen) in view of U.S. Patent No. 6,930,985 (Rathi).

Claims 3-6, 8-10, 13-17, and 19-22 are presently pending. Of these, claims 3, 8, and 14 are independent and the remaining claims are dependent.

II. Rejections under 35 U.S.C. § 101

As stated above, the claims 14-18 and 22 stand rejected under 35 U.S.C. § 101 as allegedly claiming an abstract idea because these claims purportedly lack definitive structure. Applicant has amended independent claim 14 to recite, in part, “a network management system (NMS) comprising a computing device...”

Applicant believes that this amendment provides sufficient definitive structure to meet the statutory subject matter requirements of 35 U.S.C. § 101. Applicant further submits that dependent claims 15-18 and 22 also meet these requirements for at least the reason that they depend from a claim that is directed to statutory subject matter. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claims 14-18 and 22 under 35 U.S.C. § 101.

III. Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 3-22 as being allegedly unpatentable under 35 U.S.C. § 103(a) over Nguyen and Rathi. Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness of these claims under § 103(a). However, in order to expedite

prosecution, Applicant has amended the independent claims to more particularly point out and distinctly claim the invention.

Applicant has incorporated the subject matter of claim 7 into independent claim 3, which now recites in part:

In an on-line network environment, a method for operating
a network management system (NMS), the method comprising:
...
transmitting at least part of the updated MIB information to
the agent.

The Examiner cited Nguyen at column 1, line 61 through column 2, line 14 as allegedly teaching transmitting at least part of the updated MIB information to the agent. However, this section of Nguyen actually discloses:

Another aspect of the present invention is a network management station (NMS) in a data communication network for constructing in the NMS a device Management Information Base (MIB) for interfacing with a device. The NMS comprises a communication interface coupled to the network for communicating with the device, and a processing system coupled to the communication interface for controlling the device. The processing system is programmed to interpret the data of a management structure MIB in order to construct the device MIB. The management structure MIB is provided by the device from an agent that includes the management structure MIB, which provides data describing a device MIB structure supported by the device. The processing system is further programmed to detect that the device is present on the network, and, in response, to access the management structure MIB to obtain the data describing the device MIB structure, when the device MIB is not known to the NMS. In addition, the processing system is programmed to interpret the data describing the device MIB structure, thereby constructing the device MIB.

Thus, Nguyen describes “constructing in the NMS a device Management Information Base (MIB) for interfacing with a device,” where the “NMS comprises a . . . processing system coupled to the communication interface for controlling the device.” A “MIB is provided by the

device,” and the “processing system is further programmed to detect that the device is present on the network, and, in response, to access the management structure MIB to obtain the data describing the device MIB structure.” However, Nguyen, fails to disclose the claim feature of “transmitting at least part of the updated MIB information to the agent.”

The Examiner relied exclusively on Nguyen to teach this feature, when in fact Nguyen does not. Therefore, Applicant submits that claim 3 is allowable, as amended herein. Based on similar reasoning, Applicant also submits that independent claim 14 is allowable, as amended herein. Without acquiescing to any arguments made in the office action that are not addressed herein, Applicant further submits that all claims depending from independent claims 3 and 14 are allowable for at least the reason that they depend from an allowable claim.

Additionally, Applicant has incorporated the subject matter of claims 11-12 into claim independent 8, which now recites in part:

In an on-line network environment, a method of operation of an agent, the method comprising:

...

receiving a request to perform a walk operation from the NMS, wherein the walk operation provides the MIB information to the NMS; and

receiving at least part of the MIB information from the NMS, wherein the at least part of the MIB information was updated by the NMS.

The Examiner cited to Nguyen at column 3, lines 8-12 as allegedly teaching the agent receiving at least part of an updated NMS MIB from the NMS. However, this section of Nguyen discloses:

It will be appreciated that, alternatively, the NMS discovery application 108 can be arranged to handle only the accessing of the management structure MIB 114 and the interpreting of the data of the management structure MIB 114 in order to construct the device MIB.

At column 2, lines 56-57, Nguyen discloses that “the NMS 102 comprises an NMS discovery application 108.” Thus, Nguyen at column 3, lines 8-12 is focused on activities occurring at the NMS, rather than at an agent.

The Examiner relied exclusively on Nguyen to teach this feature, when in fact Nguyen does not. Therefore, Applicant submits that claim 8 is allowable, as amended herein. Without acquiescing to any arguments made in the office action that are not addressed herein, Applicant further submits that all claims depending from claim 8 are allowable for at least the reason that they depend from an allowable claim.

IV. Summary of the January 11, 2011 Examiner Interview

A telephonic Examiner Interview took place on January 11, 2011. Participants included Examiner Azizul Q. Choudhury and Applicant’s Representative, Michael Borella. Applicant thanks the Examiner for conducting the interview.

The participants discussed the rejection of claims 14-18 and 22. No exhibits were shown, no demonstrations were conducted. During the interview, the Examiner indicated why the claims were rejected under § 101.

Agreement on the claims was not reached.

V. Summary of the February 17, 2011 Examiner Interview

A telephonic Examiner Interview took place on February 17, 2011. Participants included Examiner Azizul Q. Choudhury and Applicant’s Representative, Michael Borella. Applicant thanks the Examiner for conducting the interview.

The participants discussed claim 3 as amended and the Nguyen reference. No exhibits were shown, no demonstrations were conducted. During the interview, Applicant’s

representative indicated that Nguyen fails to disclose the claim feature of “transmitting at least part of the updated MIB information to the agent.”

After some discussion, the Examiner admitted that he also could not find this claim feature in Nguyen. The Examiner indicated that he would review the matter further, and call Applicant’s representative should he find disclosure of this claim feature in Nguyen or another reference.

Agreement on the claims was not reached.

VI. Conclusion

For the foregoing reasons, Applicant submits that all claims are allowable, and Applicant therefore respectfully requests favorable action. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at 312-913-3361.

Respectfully submitted,
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